

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HOUSE BILL 2106

AN ACT

AMENDING SECTIONS 16-242, 16-245 AND 16-246, ARIZONA REVISED STATUTES;
AMENDING TITLE 16, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING
SECTION 16-544; RELATING TO EARLY VOTING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-242, Arizona Revised Statutes, is amended to
3 read:

4 16-242. Qualifications for ballot; nomination paper

5 A. A person seeking nomination as a candidate for the office of
6 president of the United States shall sign and cause to be filed with the
7 secretary of state a nomination paper that contains the following
8 information:

9 1. The name, residence address and mailing address of the candidate.

10 2. The name of the recognized political party from which the person
11 seeks nomination.

12 3. The name and address of the chairman of the candidate's state
13 committee.

14 4. The exact manner for printing the candidate's name on the
15 presidential preference ballot pursuant to section 16-311.

16 B. The nomination paper shall be filed not less than ~~forty~~ FIFTY-FIVE
17 days nor more than ~~seventy~~ EIGHTY days before the presidential preference
18 election and not later than 5:00 p.m. on the last day for filing.

19 C. Section 16-351 does not apply to a nomination paper filed pursuant
20 to this section.

21 D. Within seventy-two hours after the close of filing the secretary of
22 state shall certify to the officer in charge of elections the names of the
23 candidates who are qualified for the presidential preference election ballot.

24 Sec. 2. Section 16-245, Arizona Revised Statutes, is amended to read:

25 16-245. Form and content of ballot

26 A. Ballots and ballot labels for the presidential preference election
27 shall be printed on different colored paper or white paper with a different
28 colored stripe for each party represented on the presidential preference
29 election ballot. Only one party may be represented on each ballot. At the
30 top ~~and above the heading shall be a stub separated from the ballot by a~~
31 ~~perforated line on which is printed "stub no. _____ to be torn off by an~~
32 ~~elections official". Above the perforated line shall be printed "official~~
33 ballot of the _____ party, presidential preference election (date),
34 county of _____, state of Arizona".

35 B. The order of the names of certified candidates on the ballot shall
36 be determined by lots drawn at a public meeting called by the secretary of
37 state for that purpose. Rotation of candidate names is prohibited. The
38 certified candidates shall be listed under the title "_____ party
39 candidates for president of the United States". Immediately below shall be
40 printed "vote for not more than one". The ballot may also contain printed
41 instructions to voters as prescribed for other elections.

42 C. The officer in charge of elections shall provide a sample ballot
43 proof to the state committee chairman of each qualified candidate's state
44 committee no later than five days after receipt of the certification from the
45 secretary of state.

1 D. The officer in charge of elections shall mail one sample ballot of
2 each party represented on the presidential preference election ballot to each
3 household that contains a registered voter of that political party. The
4 return address on the sample ballot mailer shall not contain the name of any
5 elected or appointed official, and the name of an appointed or elected
6 official shall not be used to indicate who produced the sample ballot.

7 E. The mailing face of each sample ballot shall be imprinted with the
8 great seal of the state of Arizona with the words "official voting
9 materials---presidential preference election". The polling place for that
10 household may also be designated on the mailing face of the sample ballot.

11 Sec. 3. Section 16-246, Arizona Revised Statutes, is amended to read:
12 16-246. Early balloting; satellite locations; additional
13 procedures

14 A. Within ninety days preceding the Saturday before the presidential
15 preference election and not later than 5:00 p.m. on the ~~Friday preceding the~~
16 ~~election~~ ELEVENTH DAY PRECEDING THE ELECTION, any elector who is eligible to
17 vote in the presidential preference election may make a verbal or signed,
18 written request for an official early ballot to the county recorder or other
19 officer in charge of elections for the county in which the elector is
20 registered to vote. If the request is verbal, the requesting elector shall
21 provide the date of birth and birthplace or other information that if
22 compared to the voter registration records for that elector would confirm the
23 identity of the elector.

24 B. Absent uniformed services voters or overseas voters who are
25 otherwise eligible to vote in the election may vote as prescribed by sections
26 16-543, 16-543.01 and 16-543.02. The list of candidates that is sent as
27 prescribed by section 16-543.01 shall be a list of all candidates who have
28 qualified for the presidential preference ballot by the ~~thirty-sixth~~
29 FIFTY-FIRST day before the presidential preference election.

30 C. The county recorder OR OTHER OFFICER IN CHARGE OF ELECTIONS may
31 establish on-site early voting locations at the office of the county recorder
32 or at other locations in the county deemed necessary or appropriate by the
33 recorder. Early voting shall begin ~~fifteen days before the presidential~~
34 ~~preference election and shall end on the Friday before the presidential~~
35 ~~preference election~~ WITHIN THE TIME LIMITS PRESCRIBED IN SECTION 16-542
36 UNLESS OTHERWISE PRESCRIBED BY THIS SECTION.

37 D. The county recorder OR OTHER OFFICER IN CHARGE OF ELECTIONS shall
38 send by ~~first class mail with the endorsement "do not forward -- address~~
39 ~~correction requested"~~ NONFORWARDABLE MAIL THAT IS MARKED WITH THE STATEMENT
40 REQUIRED BY THE POSTMASTER TO RECEIVE AN ADDRESS CORRECTION NOTIFICATION any
41 early ballots that are requested pursuant to subsections A and B of this
42 section and shall include a preaddressed envelope for the elector to return
43 the completed ballot.

44 E. The county recorder OR OTHER OFFICER IN CHARGE OF ELECTIONS shall
45 provide to each election board an appropriate alphabetized list of voters who

1 have requested and have been sent an early ballot. Any person who is on that
2 list of voters and who was sent an early ballot shall not vote at the polling
3 place for that election precinct except as prescribed by section 16-579,
4 subsection C.

5 F. The county recorder OR OTHER OFFICER IN CHARGE OF ELECTIONS may
6 provide for any of the following in the same manner prescribed by law for
7 other elections:

8 1. Special election boards.

9 2. Emergency balloting for persons who experience an emergency after
10 5:00 p.m. on the Friday preceding the presidential preference election and
11 before 5:00 p.m. on the Monday immediately preceding the presidential
12 preference election.

13 G. Sections 16-550, 16-551 and 16-552 govern the use of early
14 balloting for the presidential preference election.

15 Sec. 4. Title 16, chapter 4, article 8, Arizona Revised Statutes, is
16 amended by adding section 16-544, to read:

17 16-544. Permanent early voting list

18 A. ANY VOTER MAY REQUEST TO BE INCLUDED ON A PERMANENT LIST OF VOTERS
19 TO RECEIVE AN EARLY BALLOT FOR ANY ELECTION GOVERNED BY STATUTE. THE COUNTY
20 RECORDER OF EACH COUNTY SHALL MAINTAIN THE PERMANENT EARLY VOTING LIST AS
21 PART OF THE VOTER REGISTRATION ROLL.

22 B. IN ORDER TO BE INCLUDED ON THE PERMANENT EARLY VOTING LIST, THE
23 VOTER SHALL MAKE A WRITTEN REQUEST SPECIFICALLY REQUESTING THAT THE VOTER'S
24 NAME BE ADDED TO THE PERMANENT EARLY VOTING LIST FOR ALL ELECTIONS IN WHICH
25 THE APPLICANT IS ELIGIBLE TO VOTE. THE APPLICATION SHALL ALLOW FOR THE VOTER
26 TO PROVIDE THE VOTER'S NAME, RESIDENCE ADDRESS, MAILING ADDRESS IN THE
27 VOTER'S COUNTY OF RESIDENCE, DATE OF BIRTH AND SIGNATURE. THE VOTER MAY NOT
28 LIST A MAILING ADDRESS THAT IS OUTSIDE OF THE VOTER'S COUNTY OF RESIDENCE FOR
29 THE PURPOSE OF THIS PERMANENT EARLY VOTING LIST UNLESS THE VOTER IS AN ABSENT
30 UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN THE UNIFORMED AND
31 OVERSEAS CITIZENS ABSENTEE VOTING ACT OF 1986 (P.L. 99-410; 42 UNITED STATES
32 CODE SECTION 1973ff). IN LIEU OF THE APPLICATION, THE APPLICANT MAY SUBMIT A
33 WRITTEN REQUEST THAT CONTAINS THE REQUIRED INFORMATION.

34 C. ON RECEIPT OF A REQUEST TO BE INCLUDED ON THE PERMANENT EARLY
35 VOTING LIST, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS
36 SHALL COMPARE THE SIGNATURE ON THE REQUEST FORM WITH THE VOTER'S SIGNATURE ON
37 THE VOTER'S REGISTRATION FORM AND, IF THE REQUEST IS FROM THE VOTER, SHALL
38 MARK THE VOTER'S REGISTRATION FILE AS A PERMANENT EARLY BALLOT REQUEST.

39 D. NOT LESS THAN ONE HUNDRED TWENTY DAYS BEFORE ANY ELECTION SCHEDULED
40 IN MARCH OR SEPTEMBER, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF
41 ELECTIONS SHALL MAIL TO ALL VOTERS WHO ARE ELIGIBLE FOR THE ELECTION AND WHO
42 ARE INCLUDED ON THE PERMANENT EARLY VOTING LIST AN ELECTION NOTICE BY
43 NONFORWARDABLE MAIL THAT IS MARKED WITH THE STATEMENT REQUIRED BY THE
44 POSTMASTER TO RECEIVE AN ADDRESS CORRECTION NOTIFICATION. THE NOTICE SHALL
45 INCLUDE THE DATES OF THE ELECTIONS THAT ARE THE SUBJECT OF THE NOTICE, THE

1 DATES THAT THE VOTER'S BALLOT IS EXPECTED TO BE MAILED AND THE ADDRESS WHERE
2 THE BALLOT WILL BE MAILED. IF THE UPCOMING ELECTION IS A PARTISAN OPEN
3 PRIMARY ELECTION AND THE VOTER IS NOT REGISTERED AS A MEMBER OF ONE OF THE
4 POLITICAL PARTIES THAT IS RECOGNIZED FOR PURPOSES OF THAT PRIMARY, THE NOTICE
5 SHALL INCLUDE INFORMATION ON THE PROCEDURE FOR THE VOTER TO DESIGNATE A
6 POLITICAL PARTY BALLOT. THE NOTICE SHALL BE DELIVERED WITH RETURN POSTAGE
7 PREPAID AND SHALL ALSO INCLUDE A MEANS FOR THE VOTER TO DO ANY OF THE
8 FOLLOWING:

9 1. CHANGE THE MAILING ADDRESS FOR THE VOTER'S BALLOT TO ANOTHER
10 LOCATION IN THE VOTER'S COUNTY OF RESIDENCE.

11 2. UPDATE THE VOTER'S RESIDENCE ADDRESS IN THE VOTER'S COUNTY OF
12 RESIDENCE.

13 3. REQUEST THAT THE VOTER NOT BE SENT A BALLOT FOR THE UPCOMING
14 ELECTION OR ELECTIONS INDICATED ON THE NOTICE.

15 E. IF THE NOTICE THAT IS MAILED TO THE VOTER IS RETURNED UNDELIVERABLE
16 BY THE POSTAL SERVICE, THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF
17 ELECTIONS SHALL TAKE THE NECESSARY STEPS TO CONTACT THE VOTER AT THE VOTER'S
18 NEW RESIDENCE ADDRESS IN ORDER TO UPDATE THAT VOTER'S ADDRESS OR TO MOVE THE
19 VOTER TO INACTIVE STATUS AS PRESCRIBED IN SECTION 16-166, SUBSECTION A. IF A
20 VOTER IS MOVED TO INACTIVE STATUS, THE VOTER SHALL BE REMOVED FROM THE
21 PERMANENT EARLY VOTING LIST. IF THE VOTER IS REMOVED FROM THE PERMANENT
22 EARLY VOTING LIST, THE VOTER MAY ONLY BE ADDED TO THE PERMANENT EARLY VOTING
23 LIST AGAIN AFTER SUBMISSION OF A NEW REQUEST PURSUANT TO THIS SECTION.

24 F. NOT LATER THAN ON THE FIRST DAY OF EARLY VOTING, THE COUNTY
25 RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL MAIL AN EARLY BALLOT
26 TO ALL ELIGIBLE VOTERS INCLUDED ON THE PERMANENT EARLY VOTING LIST IN THE
27 SAME MANNER PRESCRIBED IN SECTION 16-542, SUBSECTION C. IF THE VOTER HAS NOT
28 RETURNED THE NOTICE OR OTHERWISE NOTIFIED THE ELECTION OFFICER WITHIN
29 FORTY-FIVE DAYS BEFORE THE ELECTION THAT THE VOTER DOES NOT WISH TO RECEIVE
30 AN EARLY BALLOT BY MAIL FOR THE ELECTION OR ELECTIONS INDICATED, THE BALLOT
31 SHALL AUTOMATICALLY BE SCHEDULED FOR MAILING.

32 G. IF A VOTER WHO IS ON THE PERMANENT EARLY VOTING LIST IS NOT
33 REGISTERED AS A MEMBER OF A RECOGNIZED POLITICAL PARTY AND FAILS TO NOTIFY
34 THE COUNTY RECORDER OF THE VOTER'S CHOICE FOR POLITICAL PARTY BALLOT WITHIN
35 FORTY-FIVE DAYS BEFORE A PARTISAN OPEN PRIMARY ELECTION, THE FOLLOWING APPLY:

36 1. THE VOTER WILL NOT AUTOMATICALLY BE SENT A BALLOT FOR THAT PARTISAN
37 OPEN PRIMARY ELECTION ONLY AND THE VOTER'S NAME SHALL REMAIN ON THE PERMANENT
38 EARLY BALLOT LIST FOR FUTURE ELECTIONS.

39 2. IN ORDER TO RECEIVE AN EARLY BALLOT FOR THAT PRIMARY ELECTION, THE
40 VOTER SHALL SUBMIT THE VOTER'S CHOICE FOR POLITICAL PARTY BALLOT TO THE
41 COUNTY RECORDER.

42 H. AFTER A VOTER HAS REQUESTED TO BE INCLUDED ON THE PERMANENT EARLY
43 VOTING LIST, THE VOTER SHALL BE SENT AN EARLY BALLOT BY MAIL AUTOMATICALLY
44 FOR ANY ELECTION AT WHICH A VOTER AT THAT RESIDENCE ADDRESS IS ELIGIBLE TO
45 VOTE UNTIL ANY OF THE FOLLOWING OCCURS:

1 1. THE VOTER REQUESTS IN WRITING TO BE REMOVED COMPLETELY FROM THE
2 PERMANENT EARLY BALLOT LIST.

3 2. THE VOTER'S REGISTRATION OR ELIGIBILITY FOR REGISTRATION IS MOVED
4 TO INACTIVE STATUS OR CANCELED AS OTHERWISE PROVIDED BY LAW.

5 3. THE NOTICE SENT BY THE COUNTY RECORDER OR OTHER OFFICER IN CHARGE
6 OF ELECTIONS IS RETURNED UNDELIVERABLE AND THE COUNTY RECORDER OR OFFICER IN
7 CHARGE OF ELECTIONS IS UNABLE TO CONTACT THE VOTER TO DETERMINE THE VOTER'S
8 CONTINUED DESIRE TO REMAIN ON THE LIST.

9 I. A VOTER MAY MAKE A WRITTEN REQUEST AT ANY TIME TO BE REMOVED FROM
10 THE PERMANENT EARLY VOTING LIST. THAT REQUEST SHALL INCLUDE THE VOTER'S
11 NAME, RESIDENCE ADDRESS, DATE OF BIRTH AND SIGNATURE. ON RECEIPT OF A
12 COMPLETED REQUEST TO REMOVE A VOTER FROM THE PERMANENT EARLY VOTING LIST, THE
13 COUNTY RECORDER OR OTHER OFFICER IN CHARGE OF ELECTIONS SHALL REMOVE THE
14 VOTER'S NAME FROM THE LIST AS SOON AS PRACTICABLE.

15 J. AN ABSENT UNIFORMED SERVICES VOTER OR OVERSEAS VOTER AS DEFINED IN
16 THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT OF 1986 (P.L. 99-410;
17 42 UNITED STATES CODE SECTION 1973ff) IS ELIGIBLE TO BE PLACED ON THE
18 PERMANENT EARLY VOTING LIST PURSUANT TO THIS SECTION.

19 K. A VOTER'S FAILURE TO VOTE AN EARLY BALLOT ONCE RECEIVED DOES NOT
20 CONSTITUTE GROUNDS TO REMOVE THE VOTER FROM THE PERMANENT EARLY VOTING LIST.